

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.56695

George S. Bowerman Jr. Trustee

11045 Bowerman Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 20-2-101, 102, 105; 2006 National Standard Plumbing Code; 2009 National Standard Plumbing Code, Basic Principle #6: Use public sewer where available; must connect to public sewer on residential property known as 11045 Bowerman Road, 21162.

On January 12, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector William Witty issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.000 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 2, 2009 for the property owner to connect to public sewer. A Citation was issued on April 2, 2009 for failure to connect to the public sewer, but that Citation was not enforced. This Citation was issued on January 12, 2010.

B. Notes in the file show that this residential waterfront property is an investment property. On February 22, 2008, Baltimore County Department of Public Works sent a letter to the property owner advising that the sanitary sewer main extension to serve this property was completed and was now available for service. The letter further advised that under County law and departmental policy, Respondent was required to connect this property to public sewer and to abandon the septic system within one year of this notice. Additional information was provided about applicable charges.

C. Respondent has not complied with the order to connect to the public sewer system and to abandon the septic system on the property. County law requires Respondent to comply, and to connect the house plumbing to the public sanitary sewer system. BCC Sections 20-2-102, 20-2-105; Plumbing Code, Basic Principle #6. A licensed plumber must obtain a permit from Baltimore County for completing the connection.

D. Respondent did not appear for this Hearing. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by April 12, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer